

**MINUTES**  
**South Carolina Board for Registration for**  
**Professional Engineers and Surveyors**  
**Board Meeting**  
9:30 a.m., April 10, 2012  
Synergy Business Park  
110 Centerview Drive, Kingstree Building, Room 204  
Columbia, South Carolina

**Call to Order**

Chairwoman Theresa Hodge, P.E., called the meeting to order on April 10, 2012, at 9:30 a.m. Board Members present were Timothy Rickborn, P.E.; Thurl M. Amick, Sr., PLS; Nancy W. Cottingham; M.L. Love, Jr., P.E.; Charles Joye, II, PE; Dennis Fallon, Ph.D, P.E.; and Gene Dinkins, PLS, P.E.

Staff members included Jan Simpson, Administrator; Missy D. Jones, Program Assistant; and Sherri Moorer, Program Assistant. LLR employees attending the meeting included: James Saxon, Advice Counsel; Christa Bell, General Counsel; and Sharon Wolfe, Investigator.

**Statement of public notice**

Mrs. Hodge stated public notice of this meeting was properly posted at the S. C. Board of the Registration for Engineers and Surveyors office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**NOTE: These minutes are a record of the motions and official actions taken by the Board and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board's website: [www.llr.state.sc.us/pol/engineers](http://www.llr.state.sc.us/pol/engineers)**

Board Chairman Hodge introduced the Board and welcomed everyone.

**Approval of Meeting Minutes for the February 28, 2012, Meeting, and April 2, 2012, Telephone Conference Call.**

**Motion:** To approve the minutes of the Board meetings held on February 28, 2012, and April 2, 2012. Amick/Love/Approved.

**Approval of Agenda**

Chairman Hodge moved Item 12 before Item 6. Firm and Branch office (Item 9 c) was removed from the Agenda.

**Reports**

**Office of General Counsel**

There are two open cases in OGC. One is pending action and one is pending a consent agreement. There is one case on appeal at the Administrative Law Court (ALC).

### **Investigative Review Committee Report – Sharon Wolfe**

There are seven active investigations in OIE. One case has been closed this year. OIE has received five cases this year. The oldest case is 671 days old and should be completed soon.

**Motion:** To accept Investigative Review Committee Report. Amick/Rickborn/Approved.

### **Report on Administrative Actions – Missy Jones**

The Board reviewed the report. – See Attached

**Administrator's Report** – See Attached. Firm licenses topic was not address due to potential changes in fee structure.

### **Financial Report – Jan Simpson**

Financial reports for February 2012 were distributed to the Board. The Education and Research fund balance is \$196,557 as of February 29, 2012, and the general fund balance is \$1,100,442.80.

### **Board Member Reports**

Mr. Love reported that the Southern Zone Nominating Committee, which he chairs, recommended that an individual who is serving on the Nominating Committee should resign from the committee if he/she intends to run for office.

Mr. Dinkins reminded everyone the Southern Zone Meeting will be held April 19-21, 2012, in Huntsville, AL. Ms. Hodge, Mr. Amick, Mr. Dinkins, and Dr. Fallon will also attend the meeting. Mr. Dinkins is in the process of assigning committee members and task force members for next year.

Mrs. Simpson reported that the clean-up regulations will go forward as soon as they are resubmitted with the changes to the fees. LLR is coordinating the re-submittal of all revised regulations.

### **Legislation Report – Jan Simpson**

H3571 on Coastal Tidelands and Wetlands was referred to the House Committee on Agriculture, Natural Resources and Environmental Affairs. There has been no action on this bill.

S1137 on the Architects and Engineers Volunteer Act has been amended several times. Contractors, surveyors, and residential builders have been added to this bill.

### **Application Hearings**

#### **a. Eastover Land Surveying Company PA -- Application Hearing**

Mr. Powell appeared before the Board for an application hearing for the issuance of his firm's Certificate of Authorization. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**Motion:** To enter into Executive Session. Fallon/Love/Approved

**Motion:** To return to Public Session. Fallon/Love/Approved

**Motion:** To approve the issuance of a Certificate of Authorization to Eastover Land Surveying Company, PA. Joye/Fallon/Approved.

**b. Fowler Land Surveying LLC -- Application Hearing**

Mr. Fowler appeared before the Board for an application hearing for the reinstatement of his firm's Certificate of Authorization. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**Motion:** To enter into Executive Session. Fallon/Amick/Approved

**Motion:** To return to Public Session. Amick/Fallon/Approved

**Motion:** To approve the reinstatement application for a Certificate of Authorization for Fowler Land Surveying, LLC. Love/Dinkins/Approved.

**Engineers Technology Review Committee – Sherri Moorer**

- a. Kristopher Morgan Campbell
- b. Michael Brian Kluttz
- c. James Robert Andrews
- d. Eric Karl Sanford

**Motion:** To approve Kristopher Morgan Campbell, Michael Brian Kluttz, James Robert Andrews, and Eric Karl Sanford for licensure as Professional Engineers. Fallon/Love/Approved.

**Office of General Counsel – Hearings – Christa Bell**

**a. Bennett Engineering Solutions – Motion to Consider a Consent Agreement**

Mr. Bennett appeared before the Board for a motion to consider a Consent Agreement. This matter was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

**Motion:** To enter into Executive Session. Love/Dinkins/Approved

**Motion:** To return to Public Session. Love/Dinkins/Approved

**Motion:** To not accept the consent agreement as proposed and to issue a Certificate of Authorization to the firm. Dinkins/Love/Approved

**New Business**

**Incidental Practice – Stephen Russell**

Stephen Russell, a member of the SC Board of Architectural Examiners, spoke to the Board about a proposed interpretation of "incidental practice." Mr. Dinkins said he would present the proposed definition at the Southern Zone meeting next week and would assign it as a charge to an NCEES committee for FY2013. Mrs. Hodge said she would present it at the SCSPE convention in June. The Board hopes to get feedback at these meetings to guide their response to the draft proposal.

## **Unfinished Business**

### **Working on Federal Land – Jan Simpson**

James Saxon reported on his research regarding whether or not an individual working on federal lands must be licensed by the state in which the land is located. He found a 1991 ruling by the 9<sup>th</sup> Circuit Court related to contractors, which ruled that federal law always overrides state law. This decision was based on the supremacy clause in the Constitution. The Board voted to continue with the interpretation that individuals working in the State must have a South Carolina license unless they are specifically exempted in the statutes and regulations.

### **Update on Online Registering of PDH's in South Carolina – Jan Simpson**

Mrs. Simpson reported that LLR's Information Technology department is assisting with creating an online Log where licensees could record their PDH hours if desired.

### **Construction Staking – Thurl Amick**

Mr. Amick requested clarification from the Board regarding the interpretation of construction staking. The Board's earlier determination was that construction staking companies needed to have licensed surveyors on their staff and have a Certificate of Authorization to practice as a firm. He continued that if staking is done by an employee of the construction company, the Board's position was that the employee did not have to be licensed as a surveyor.

### **Non-Engineering Masters as One Year Experience**

Mrs. Simpson asked if a candidate could get one year of experience credit for a master's degree that is not in engineering, but includes a number of engineering coursework hours.

**Motion:** A master's degree must be in engineering in order to count toward the one year experience credit. Dinkins/Fallon/Approved.

### **Formula for determining Fines – Missy Jones**

Mrs. Simpson and Mrs. Jones researched the formula for calculating fines and determined that the formulas are accurate and are consistently applied by staff using guidelines prepared by the Board.

### **Suggestions for Use of Education and Research Funding – Tim Rickborn**

Mr. Rickborn researched possible uses for the Education and Research fund. He created several scenarios based on reimbursement (or partial reimbursement) of exam fees for the Fundamentals of Engineering and Fundamentals of Surveying exams. He determined that the Fund would have to increase fourfold to have sufficient funding to reimburse senior students who take the FE and FS exam one time. He studied reimbursing only those who pass, reimbursing everyone, and how a reimbursement would be distributed. The Board decided to carry over this issue over to the July Board Meeting.

## **New Business**

### **FE Exams for Senior Students**

Mrs. Simpson asked the Board for clarification on students' entry point for the FE Exam. Mr. Dinkins said NCEES requires that a student earn a certain number of hours in order to take the exam, and students would have to be in senior status to meet this requirement.

Mrs. Simpson reported staff is creating an online form for FE and FS (Fundamentals of Surveying) applications. Once students apply online, the Board staff will send a list of applicants to Engineering schools to cross reference with their records and determine eligibility before the final list is submitted to NCEES.

### **Nomination of NCEES Emeritus Members – Anderson Kinghorn and Cecil Huey**

**Motion:** To nominate Anderson Kinghorn and Cecil Huey to become Emeritus members of NCEES. Dinkins/Love/Approved.

### **Railroad Bridge Inspections in South Carolina**

In response to a request for clarification, the Board determined that individuals performing railroad bridge inspections in SC must be licensed Professional Engineers in South Carolina.

### **Reconsideration of number of CE hours to award the Portfolio Committee Members (NHO)**

Mrs. Simpson received a request that the Board to reconsider the number of CE hours awarded to portfolio review committee members so that a minimum of three hours would be awarded to members per meeting. The Board determined that they will continue to offer committee members one hour for each hour they spend in the office reviewing portfolios and interviewing portfolio candidates.

### **State Specific Exam Analysis – Release of Information (NHO)**

**Motion:** To routinely provide an analysis for all candidates who fail the State Specific Surveying Exam. Dinkins/Amick/Approved.

### **Reconsideration of DUI Statute of Limitations – Jan Simpson**

**Motion:** To exempt individuals with a first-time DUI and without extenuating circumstances from having to appear before the Board as long as the applicant provides appropriate documentation with the application. Dinkins/Love/Approved.

### **Acceptance of foreign experience (NHO)**

**Motion:** To clarify that foreign engineering experience must be verified by a US-licensed Professional Engineer in order to qualify for registration. Dinkins/Love/Approved.

**Allowance of CE credit for Career Day participation – Request from Surveyor Association chapter (NHO)**

**Motion:** To deny continuing education credit for Career Day participation.  
Cottingham/Rickborn/Approved.

**2012 NCEES Annual Meeting – Jan Simpson (NHO)**

All of the Board members will attend the NCEES Annual Meeting. Mr. Dinkins, Mrs. Hodge, and Mr. Love are funded by NCEES.

**Consideration of Funding Requests and Potential Sponsorship Opportunities**

2012 Structural Engineers Association of SC - Annual Conference – Brian Pietras

**Motion:** To approve a funding request in the amount of \$10,000 for a conference sponsored by the Structural Engineers Association of South Carolina conference in June 2012. The funding will support speakers' fees. Joye/Cottingham/Approved.

**Other Business**

Mr. Amick noted the Standards of Practice Manual for Surveying needs to be revised to add 3D scanning. He and Mr. Dinkins will need expert help with this revision.

Board members were reminded to file Statements of Economic Interest by April 15<sup>th</sup> and to call the SC Ethics Commission if they have questions.

**Public Comments -- None**

There being no further business, the meeting adjourned at 2:53 p.m.

Respectfully submitted,

Missy D. Jones  
Program Assistant

**Administrator's Report  
April 10, 2012  
Board of Professional Engineers and Surveyors**

**LLR Updates – Holly Gillespie Pisarik has succeeded Catherine Templeton as Director of LLR. She previously was Chief Advice Counsel, working with Jamie Saxon and Dean Griggs.**

**Legislation**

**H. 3571 – Plats within coastal tidelands or wetlands; DHEC - still in Agriculture subcommittee. No action**

**S. 1137 – Granting immunity to various professions during declared emergency – Senate LCI approved it with amendment**

**Licensure Application Statistics**

**Initial applications by month: January, February, March, April (as of 4/9)**

ENGINEERS	185	304	177	14
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**(Includes surveyors)**

**Initial applications between January 1 and April 1, 2012, that have been approved and licensed:**

**ENGINEERS: 254**

<b>Credential</b>	<b>Total</b>
EIT	4
ELS.E	154
ENB.COAB	27
ENC.COA	51
ENG.TE	10
ETC.TCOA	8

**Licensure Statistics**

**In calendar year 2011, the staff processed the following applications for initial licensure:**

**EGT – 0**

**EIT - 50**

**PE – 653**

**Surveyors 4**

**LSIT – 1**

**Firms – 120**

Firm branches – 58  
 Temporary Engr Permits – 29  
 Total 915

Licenses Issued 1/1/2012 – 4/1/2012 with “Active” as License Status

Licenses	Contact	Totals
⊕ EIT.		Total: 83
⊕ ELS.E		Total: 194
⊕ ELT.		Total: 3
⊕ ENB.COAB		Total: 27
⊕ ENC.COA		Total: 53
⊕ ENG.TE		Total: 10
⊕ ETC.TCOA		Total: 9
		Total: 379

**Phone reports**

Number of phone calls answered by 6 staff members during March 2012: 539

Firm licenses – From an administrative perspective, the licensing process for firms and their branch offices is complex and confusing. Firm licenses will renew in March 2013, and I would like to consider revising our system to accommodate the intent of the procedure while making it less confusing for all involved. Example: Due to the requirement that each office offering services in South Carolina have a resident engineer and/or surveyor, that office must have a number for tracking purposes. The branch office numbers are different from the main COA number. We will propose a system of licensing each entity, preserving the tracking component but making each branch responsible for renewing its own license. *[NOTE: This issue was tabled]*

**Coming up: Southern Zone Meeting – Huntsville, AL – April 19-21**

NCEES Annual Meeting – St. Louis, MO – August 22-25 (Gene Dinkins' installation as President of NCEES)

**ADMINISTRATIVE DISCIPLINARY REPORT 2012**

**ITEM 12c**

Since January 1, 2012, ten Consent Agreements have been accepted by the Board for practicing with a lapsed license, a lapsed Certificate of Authorization, or practicing prior to licensure. Fines totaled \$8875.